

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--|---|-----------------------------------|
| MICHAEL MORGAN, |) | |
| |) | |
| Petitioner, |) | Civil Action No. 3:24 cv 221 |
| |) | |
| v. |) | Magistrate Judge Maureen P. Kelly |
| |) | |
| LEONARD ODDO, <i>Warden of Moshannon</i> |) | Re: ECF Nos. 1 and 2 |
| <i>Valley Processing Center;</i> |) | |
| BRIAN McSHANE, <i>Acting Field Office</i> |) | |
| <i>Director of the Immigration and Customs</i> |) | |
| <i>Enforcement, Enforcement and Removal</i> |) | |
| <i>Operations Philadelphia Field Office;</i> |) | |
| ALEJANDRO MAYORKAS, <i>Secretary of the</i> |) | |
| <i>Department of Homeland Security; and</i> |) | |
| MERRICK GARLAND, <i>Attorney General of</i> |) | |
| <i>the United States,</i> |) | |
| |) | |
| Respondents. |) | |

ORDER

AND NOW, this 17th day of April, 2025, for the reasons stated in the Memorandum Opinion contemporaneously filed herewith, IT IS HERBEY ORDERED, ADJUDGED, and DECREED that Petitioner's "Verified Petition for a Writ of Habeas Corpus," ECF No. 1, refiled as errata at ECF No. 2, is CONDITIONALLY GRANTED.

IT IS FURTHER ORDERED that Petitioner shall be provided a bond hearing before a neutral immigration judge of the Executive Office of Immigration Review on or before May 19, 2025. At said bond hearing, the Government shall bear the burden to justify Petitioner's detention by clear and convincing evidence. German Santos v. Warden Pike Cnty. Corr. Fac., 965 F.3d 203, 213 (3d Cir. 2020). "That evidence must be individualized and support a finding that continued detention is needed to prevent him from fleeing or harming the community." Id. at 214.

If Respondents fail to provide Petitioner with a bond hearing satisfying those requirements by that date, THE WRIT SHALL ISSUE, and Petitioner shall be released with conditions of supervision consistent with applicable law.

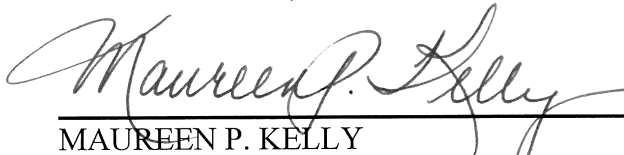
IT IS FURTHER ORDERED that counsel for the parties shall file notice of the date and time of the bond hearing on the docket in this matter once the hearing is scheduled. The parties further shall notify this Court of the outcome of the hearing within three business days of its completion.

IT IS FURTHER ORDERED that, to the extent that Petitioner seeks any additional habeas relief, the same is DENIED.

IT IS FURTHER ORDERED that any motion for costs and/or fees must be submitted on or before May 30, 2025.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, any party wishing to appeal from this Order must file a notice of appeal within 30 days, as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219.

BY THE COURT,



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of record (*via* CM/ECF)